REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	11 October 1999
Name of applicant/court:	The District Court at Auckland
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	vyfk1 04b
Other Known Titles:	Photos\VYFK series\vyfk1 04b
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Computer Image File
Country of Origin:	Not Applicable
Language:	Not Applicable

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Components of film originally examined: Not Applicable.

Feature: Running time:

Trailers: Running time:

Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable

Descriptive Note:

Not Applicable.

Direction to issue a label has been given on: Not Applicable.

SUMMARY OF THE REASONS FOR DECISION:

The computer image file entitled *vyfk1 04b* is classified as:
Objectionable.

The JPEG computer image file contains one full colour photograph. The file is one of a total 280 computer image files stored on a Jaz disk and submitted together. The image explicitly depicts a naked girl holding or masturbating an adult male's erect penis. The girl is seated beside the male, with her knees drawn up and facing the viewer. One breast and her genitals are visible; her body characteristics indicate she is around 14 years of age.

The computer image file promotes and supports the exploitation of children and young persons for sexual purposes, deeming the publication objectionable under s3(2) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act). Given the characteristics of the publication, the Classification Office considers that the main purpose of the image file is the titillation or sexual arousal of adults with a prurient interest in children and young people. The style of the image is the same as explicit material depicting adults that is intended for adult sexual stimulation, except that this image includes a girl who may be either an older child or a young person. The title is considered to signal to computer users interested in such material that the subject is 'very young' and directly related to sexual matters. The image is likely to legitimate an adult sexual interest in children and young people since the girl presents as relaxed; she may be interpreted as not minding or even enjoying the activity in which she is engaged.

The JPEG image file format has significant implications for the intended or likely use of the publication. This digitised format allows for optimal reproduction qualities of photographic images. The format facilitates proliferation and wide distribution of the image nationally and internationally among similarly oriented individuals, by private, electronic transmission between computers using Internet technologies.

Referring to New Zealand Bill of Rights Act 1990 issues, the application of s3(2) of the FVPC Act deems the publication objectionable. The limit on freedom of expression resulting from the classification is demonstrably justified and prescribed by law.

OFLC Ref: 9901405